

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street, MS-29  
Sacramento, California 95814

Web Site: [www.energy.ca.gov](http://www.energy.ca.gov)



**NOTICE OF HEARING**

**AND**

**SUMMARY OF**

**15-DAY LANGUAGE**

**AND OF**

**COMMENTS RECEIVED ON 45-DAY LANGUAGE**

**FOR PROPOSED AMENDMENTS TO**

**CALIFORNIA CODE OF REGULATIONS, TITLE 20, DIVISION 2:**

**CHAPTER 3, ARTICLE 1 (QUARTERLY FUEL AND ENERGY REPORTS)**

**AND**

**CHAPTER 7, ARTICLE 2 (DISCLOSURE OF COMMISSION RECORDS)**

**Docket No. 97-DC&CR-1**

**INTRODUCTION**

On July 7, 2000, the California Energy Commission (Commission) published a Notice of Proposed Action and the Express Terms (45-day language) of proposed regulations in this proceeding. On August 31, 2000, the Commission's Electricity and Natural Gas Committee (Commissioner Michal Moore, presiding member, and Commissioner Art Rosenfeld, associate member), which is conducting the proceeding on behalf of the Commission, held a hearing to receive comments on the 45-day language.

Having fully considered the comments on the 45-day language, the Committee is on this date -- September 15, 2000 -- publishing 15-day language and this document. This document provides notice of the hearing that the Commission will hold to consider adopting the 15-day language into law. This document also summarizes the comments that interested parties made on the 45-day language and summarizes the Committee's responses thereto.

## **NOTICE OF HEARING**

The Commission will hold a hearing to consider adopting the 15-day language:

**Wednesday, October 11, 2000  
Beginning at 10 a.m.  
California Energy Commission  
1516 Ninth Street  
Hearing Room A  
Sacramento, California**

The hearing room is wheelchair accessible.

Any member of the public may offer *written* comments on the 15-day language. Written comments *must be received at the Commission's docket office no later than 3:00 p.m. on Monday, October 9, 2000:*

**Docket No. 97-DC-&-CR-1  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, California 95814-5512**

Copies of the 15-day language may be obtained from the Commission's website, [www.energy.ca.gov](http://www.energy.ca.gov), from Richard Rohrer at 916-654-4899, or from the Commission's Docket Office at the address listed above.

## **SUMMARY OF COMMENTS RECEIVED AND RESPONSES THERETO**

If a section number is not listed, no comments on the 45-day language were received for that section.

### **The Data Collection Regulations**

#### **Section 1302(b): Definitions**

**In General.** The Independent Energy Producers Association (IEP) commented that the capitalization of the definitions should be made consistent. Appropriate changes were made in the 15-day language.

**Cogenerator.** In the 45-day language, cogenerator is defined as an electric power plant that produces electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes. In response to comments from the IEP and Southern California Edison Company (SCE), in the 15-day language the definition reads Cogenerator means an electric power plant that produces (1) electricity; and

(2) useful thermal energy for industrial, commercial, heating, or cooling purposes. The change clarifies that the electricity can be produced for any purpose.

IEP correctly pointed out that under the proposed definitions, a cogenerator could also be an electric power plant, an electric retailer, and an end user. Reporting requirements would not necessarily be increased, however: to the extent that reporting requirements for more than one entity would apply, proposed Section 1303(h) allows the same report to be submitted in order to meet all applicable requirements.

**Interchange.** In the 15-day language, this definition has been changed in response to IEP's comment that the definition should be for electricity that flows from one control area to another control area, not, as the 45-day language states, from one entity to another.

**Net generation.** IEP commented that it is unclear whether reporting Net generation could lead to bad data because of metering configurations at self-generators were not this way [sic]. This comment is too vague to allow a response.

### **Section 1303(b): Forms and Instructions**

The 45-day language requires that data be submitted on forms, and in accordance with instructions, specified by the Executive Director. SCE suggested that interested parties be able to comment before the Executive Director makes a specification. Although the number of forms and instructions, and the potential need for quick action, may limit the opportunities for comment, involving members of the public is certainly likely to improve the forms and instructions. Thus the 15-day language states that the Executive Director shall consult with interested persons before specifying forms or instructions.

### **Section 1303(f): Extension of Deadlines**

The 45-day language contains various deadlines for the submittal of reports and data. Section 1303(f) provides a mechanism whereby entities that cannot meet a deadline may obtain temporary relief. The entity files an application and the Executive Director makes a decision based on criteria specified in the proposed regulations. The 45-day language states that the Executive Director's decision is not appealable.

SCE made two comments concerning Section 1303(f). First, SCE requested that the Executive Director's decision be appealable to the Commission. The 15-day language provides for an appeal, but it allows the Commission to deny any appeal summarily without a hearing, in the interests of speedy decisions and in order not to tax unduly the Commission's resources.

SCE also stated that the requirement that extensions . . . must be approved by the Executive Director should be . . . replaced with the ability for the CEC and the

submitting parties to reach a mutually acceptable time schedule . . . . SCE s suggestion would allow submitting parties to determine whether to submit data at all; with the elimination of any real deadline, the regulations would be meaningless. Therefore, the 15-day language contains no change in this regard.

### **Section 1303(g)(2): Delegation**

In the 45-day language, Section 1303(g)(1) allows a submitting entity to delegate to another entity the submittal of a report, but the ultimate responsibility remains with the submitting entity. Section 1303(g)(2) sets forth special rules for delegation by an electric retailer to a utility distribution company (UDC). Although the general rules in Section 1303(g)(1) expressly state that delegation can occur only if the delegatee agrees, and Section 1303(g)(2) expressly states that the UDC must agree before any delegation is effective, SCE requested further clarification that the agreement is at the discretion of the UDC. The regulations are already clear, and it would be overkill to indicate that the UDC has to agree at its discretion. Therefore, no change was made in the 15-day language.

SCE also commented that the UDC should be able to receive compensation for performing any delegated duty. That ability is inherent in the requirement that the UDC must agree to the delegation; obviously the UDC may make any agreement contingent on compensation.

### **Section 1303(i): Alternative Data, Reports, or Format**

In the 45-day language, Section 1303(i) allows submitting parties to ask the Executive Director for permission to submit data in a format different than that required by the regulations, or to submit different data. The Executive Director must grant permission if he or she finds that using the alternative will not harm compliance with the regulations or the needs of the Commission, other entities, and the public. The proposed regulations state the Executive Director s decision is not appealable.

SCE commented that the Executive Director s decision should be appealable and that [p]arties should . . . be allowed to reach a mutually agreeable time frame for submitting the required information. The comment about the time frame appears irrelevant to Section 1303(i), which does not deal with changing the deadlines for submitting information. (See the discussion of 1303(f), which does deal with deadlines.) The 15-day language does allow for an appeal, which may be summarily denied, as does the 15-day language for Section 1303(f).

### **Section 1303(m): Accuracy of NAICS Coding**

Proposed Section 1303(m), which inadvertently appeared as a second Section 1303(k) in the 45-day language, requires that certain data be accurately classified by North American Industry Classification System (NAICS) code and specifies the criteria by which the accuracy of the classification is assessed. The UDC (or LDC) is

responsible for providing NAICS codes to electric (or gas) retailers in its service area. Section 1303(m)(2) states that if the Executive Director believes that sales data provided by an electric retailer or a gas retailer is not accurately classified by NAICS code, he or she may require the electricity UDC or natural gas LDC to conduct a study to verify the accuracy of the coding. SCE objected, commenting that [I]f the Executive Director believes that the sales data provided by retailers is not accurate, the appropriate recourse is . . . to require the retailers to verify the data. SCE misunderstands Section 1303(m)(2) and the process of NAICS coding in the regulations. First, Section 1303(m)(2) deals only with the accuracy of NAICS coding, not with the accuracy of the underlying data. Nevertheless, the 15-day language contains a phrase clarifying that point. Second, while the accuracy of the data is properly the province of the retailer submitting the data, the accuracy of the NAICS coding is properly the province of UDCs and LDCs. That is because Sections 1306(b)(2) and 1307(b)(2) require UDCs and LDCs to provide the NAICS code of each customer to the retailers operating in their service territories; thus they, not the retailers, are responsible for the accuracy of the coding.

#### **Section 1304(b): Reports by UDCs Concerning Power Plants**

In the 45-day language, Section 1304(b) requires each UDC to submit annual reports containing basic information on the power plants in the UDC's service area. The California Independent System Operator (ISO), which is responsible for managing most of the state's transmission grid, requested two changes to Section 1304(b). Both requests stem from the ISO's desire to have timely and accurate information concerning the system that it is responsible for, and in particular, that the ISO have necessary information concerning new interconnections by distributed generators (DG). DGs are small power plants that are installed to meet local (substation level) loads or to displace the need to build additional local distribution lines. In order for the regulations to provide effective notice to the ISO of DG interconnections, the ISO requested that the reports be made quarterly and that the reports include geographical coordinates. The 15-day language changes the filing frequency from annual to semiannual. Semiannual reports will provide more timely information than annual reports. However, since similar information is filed semiannually with the California Public Utilities Commission, semiannual reports will impose less of a burden on utilities than quarterly reports would. The 15-day language requires that latitude and longitude data be provided if those data are readily available.

Sempra Energy (representing its constituents, Southern California Gas Company (SoCalGas) and San Diego Gas and Electric Company (SDG&E)) objected to Section 1304(b) in its entirety, arguing that more accurate information is available from the power plant owners themselves and that the information would be confidential. The 15-day language retains 1304(b). While the power plant owners certainly will have accurate information, the basic information that UDCs must submit (name, address, capacity, voltage, and federal government facility code) is fundamental data that all UDCs should have — without such information, they could

not operate their systems. It is important for the Commission to obtain the information from UDCs to ensure that the information received from the power plant owners is complete and accurate. In addition, it appears unlikely that the information would be confidential, and even if it were the UDC could submit an application for confidentiality.

### **Section 1305: Control Area Operator Reports**

In the 45-day language, Section 1305 requires control area operators to submit data. SCE commented that the ISO should be specified as one of the operators. The 15-day language reflects SCE's suggestion.

### **Section 1306(b)(1): UDC Reports on ESPs.**

In the 45-day language, Section 1306(b)(1) requires each UDC to submit annual reports on the names, addresses, and total annual sales of the Electric Service Providers (ESPs) operating within the UDC's service area. (Section 1306(a) requires each ESP that is an electric retailer to submit monthly sales data, classified by county and grouped by NAICS code.) SCE objects, stating that requiring UDCs to submit ESP sales data is inconsistent with the CEC's policy principle of equivalent functions reporting; PG&E objects on the ground that the information submitted by the UDCs is duplicative of the information submitted by ESPs.<sup>1</sup> The 15-day language makes no changes to the 45-day language in this regard, because the UDC reports of annual, total ESP sales are an important cross-check on the ESP monthly, customer sector data, and because the burden on the UDCs to report sales data annually, not classified by customer sector, is minimal.

### **Section 1306(b)(2): NAICS Coding by UDCs**

In the 45-day language, Section 1306(b)(2) requires UDCs to provide to the ESPs in their service areas the NAICS coding for each of the ESP's customers. SCE stated that it will be impossible to make the switch from the currently-used Standard Industrial Classification (SIC) codes to NAICS coding by the effective date of the regulations, which the Commission intends to be January 1, 2001. Sempra made the same comment with regard to Section 1303(m) and PG&E made the same comment generally. In response, the 15-day language requires that SIC coding be used through December 31, 2002, and NAICS coding be used beginning January 1, 2003 (see the new definition of Customer Classification Code).

Sempra also commented that the requirement that NAICS coding be at the 6-digit level (see the definition of NAICS code in proposed Section 1302(b)) be

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<sup>1</sup> Pacific Gas and Electric Company (PG&E) makes the same comment about reporting of total sales by gas LDCs under Section 1307(b)(1). For the reasons discussed in the accompanying text concerning Section 1306(b)(1), the 15-day language contains no change to Section 1307(b)(1).

changed to 3-digit coding.<sup>2</sup> The 15-day language contains no changes in this regard. Sempra's argument that 6-digit NAICS coding provides roughly twice the specificity of the 3-digit SIC code *previously reported* is in error. The current forms and instructions require that reports be made at the *4-digit* SIC code level, which contains 1004 customer groups, not substantially below the approximately 1170 customer groups in 6-digit NAICS coding. Sempra's second argument, that that 3-digit coding, which encompasses 92 customer subsectors, would contain large enough customer populations so as to assure confidentiality of individual customer account data, is also misplaced. 3-digit coding would not necessarily provide confidentiality of all customer data; groups in which there are few customers (or only one) could be susceptible to revealing individual customer data. Moreover, proposed Section 2505(a)(5)(B)1.a. and b. provide that all data on individual residential and commercial customers that is obtained through surveys, and all industrial sector data that is obtained through surveys, *must* be designated confidential if the submitter so requests. Finally, and most important, 3-digit coding would not provide data in nearly enough detail to allow the Commission to forecast accurately or to assess market trends.

SCE also asserts that the shift to NAICS coding cannot occur unless SCE and other utilities have adequate funding. All of a UDC's reasonable expenses can be recovered in rates, and the Commission is working with the California Public Utilities Commission to ensure that such expenses can be recovered. In addition, the Commission is pursuing reimbursement of appropriate data collection expenses that are directly related to energy efficiency programs through Public Goods Charge (PGC) funds.

### **Section 1307(a)(1): Gas Retailer Reports on Customers and Sales**

In the 45-day language, Section 1307(a)(1) requires gas retailers to submit data on gas customers and gas sales, classified by county and by NAICS code. The School Project for Utility Rate Reduction (SPURR), which buys gas on behalf of 175 school districts and other public agencies throughout the state, and Association of Bay Area Governments (ABAG) Power, which buys gas on behalf of 44 local government agencies in the San Francisco Bay Area, commented that classifying the data by county and by NAICS code would impose substantial costs. The Commission believes that a simple solution would be for SPURR and ABAG to provide unclassified

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<sup>2</sup> Sempra makes the same comment with regard to LDC reports under proposed Section 1307(b). Sempra appears to believe that UDCs (under Section 1306(b)) and LDCs (under Section 1307(b)) must submit sales data classified by NAICS code. That is not correct: Sections 1306(a) and 1307(a) require electric and gas *retailers* to submit such data; proposed Sections 1306(b)(1) and 1307(b)(1) require UDCs and LDCs to submit data on electric and gas retailer sales, *unclassified*; and proposed Sections 1306(b)(2) and 1307(b)(2) require UDCs and LDCs to provide to electric and gas retailers the NAICS coding of the retailers' customers. Nothing in the proposed regulations requires UDCs or LDCs to provide sales data classified by NAICS code.

customer data, which the Commission Staff could classify by county and by NAICS code. Under proposed Section 1303(i), SPURR and ABAG Power can petition the Executive Director to implement that solution, and the Commission will instruct the Executive Director to do so. Because of the limited number of customers served by SPURR and ABAG Power, the burden on the Staff will not be excessive.

### **Section 1306(a)(2) and 1307(b)(2): Price Estimates**

On August 15, staff received a phone call from a stakeholder who commented that the 45-day language should be clarified to indicate that price estimates should be those paid by retail customers. The 15-day language adds language to this effect.

### **Section 1308(a)(2): Gas Utility Reports of Natural Gas Receipts Classified by Point of Receipt;**

### **Section 1309: Interstate Pipeline Reports**

Sempra commented on these proposed sections but did not suggest any changes. Sempra argued that proposed Section 1308(a)(2), which requires gas utilities to report receipts of gas classified by the point of receipt, would increase its reporting burden. However, the number of new delivery points is small, so the burden appears minimal. Moreover, Sempra has previously stated that the Commission's modeling of the SoCalGas and SDG&E systems is incorrect; by providing for greater accuracy and reflecting current conditions, the proposed regulations will help the Commission improve its modeling.

Sempra also stated that SoCalGas and SDG&E cannot provide the information on interstate pipeline companies required by proposed Section 1309. No intrastate gas utility, such as SoCalGas or SDG&E, is required to submit such information; Section 1309 applies only to interstate pipelines

## **THE CONFIDENTIALITY REGULATIONS**

### **Section 2503(b)(8): Definition of Masked Data**

In the 45-day language, Section 2503(b)(8) is a definition of masked data. SCE commented correctly that the definition is actually more appropriate for aggregated data, which is not defined. The 15-day language makes the Section 2503(b)(8) definition applicable to aggregated data and adds a new Section 2503(b)(14) definition of masked, which uses language suggested by SCE.

### **Section 2505(a): Applications for Confidentiality**

Current Section 2505(a) describes the process used by persons who want the Commission to keep confidential the data that they submit. SCE objects to the process whereby the data is submitted along with an application for confidentiality; SCE is particularly concerned with customer-specific information. SCE's comment is



beyond the scope of this proceeding because the present procedures predate this proceeding and are not the subject of any of the amendments proposed in this proceeding. Nevertheless, we note that the process is appropriate because (1) often the Commission must see the data in order to assess whether confidentiality is appropriate; and (2) confidentiality is protected because (a) the data must be kept confidential during the time that the Commission is considering a confidentiality application and (b) even if the application is denied, the Commission must maintain confidentiality for an additional 14 days in order to allow the submitting party to seek a judicial order. In addition, as is noted above proposed Section 2505(a)(5)(B)1.a. and b. provide that all data on individual residential and commercial customers that is obtained through surveys, and all industrial sector data that is obtained through surveys, *must* be designated confidential if the submitter so requests. Indeed PG&E praised the 45-day language approach to confidentiality, calling it an elegant solution which will simplify our reporting requirements and protect our customers information. In sum, there is no need for a change.

### **Section 2507(c): Disclosure of Confidential Data to Other Entities**

Current Section 2507(c) allows the Commission to disclose confidential records to Commission employees, Commission contractors, and other governmental bodies, if their work requires inspection of the records and if they agree to keep the records confidential. The ISO requests that it be added to the list of such persons. The Commission believes, as a general rule, that it should not disclose confidential records to any private entity other than entities that are, for that purpose, in effect part of the Commission — i.e., contractors. However, the ISO (and the California Power Exchange (PX)) are unique private entities. They are created by the state, and they have responsibilities vested in them and rules made applicable to them by the state; to that extent they take on quasi-governmental characteristics. The Committee thus believes that it is appropriate to allow the disclosure of confidential records to the ISO and to the PX (and to other similar entities) if their state-mandated duties require inspection of the records, if they agree to keep the records confidential, and if they provide the records only to employees whose work requires access. The 15-day language (indeed, the existing regulations) includes a provision to that effect.

### **Sections 2507(d) and 2507(f): Disclosure of Aggregated Confidential Data**

Current Sections 2507(a) and (b) establish a general rule that confidential data may not be disclosed. Current Section 2507(c) creates an exception for disclosure to persons whose work requires access to confidential data and who provide appropriate agreements to maintain confidentiality, such as other government agencies and Commission contractors. Current Section 2507(d) creates another type of exception: it allows the Executive Director to release confidential information if the information has been masked or aggregated to the point necessary to protect confidentiality. In the 45-day language, new provisions in Section 2507(d) provide that [I]nformation described in paragraphs (1) — (4) of this subsection is deemed to have been masked or aggregated to the point necessary to protect confidentiality.

SCE commented on Section 2507(d). Neither comment deals with the listing, in paragraphs (1) — (4), of data deemed to be sufficiently aggregated to protect confidentiality, so we assume that the comments deal only with situations in which the Executive Director makes a discretionary decision to release aggregated or masked data not listed in those paragraphs. SCE suggested that where a submitting party has stated that confidential data should not be released even if aggregated, the submitting party should be notified if the Executive Director decides to aggregate and release anyway. The regulations already provide for this; current Section 2507(f) requires the Executive Director to consult with the private third party to whom the confidential designation belongs about such disclosure. The 15-day language makes a non-substantive change to clarify the scope of Section 2507(f).

PG&E stated that the provisions in Section 2507(d)(4) dealing with disclosure of aggregated customer survey data are valid disclosure principles, but asked that the Commission clarify that the provisions apply only to surveys undertaken after the effective date of the regulations. The 15-day language makes the requested change.

**CALIFORNIA ENERGY COMMISSION**

**EXPRESS TERMS**

**FOR PROPOSED AMENDMENTS TO  
CALIFORNIA CODE OF REGULATIONS, TITLE 20, DIVISION 2:**

**CHAPTER 3, ARTICLE 1 (QUARTERLY FUEL AND ENERGY REPORTS)  
AND  
CHAPTER 7, ARTICLE 2 (DISCLOSURE OF COMMISSION RECORDS)**

**Docket No. 97-DC&CR-1  
September 2000**

**California Code of Regulations  
Title 20, Division 2  
Chapter 3  
Article 1. Quarterly Fuel and Energy Reports**

**/1301. Title.**

The Reports described in Section 25320 of the Public Resources Code and this [a](#)Article shall be known as the Quarterly Fuel and Energy Reports.

**NOTE**

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, and 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

**HISTORY**

1. New Chapter 2, Article 3 (Sections 1301-1314) filed as an emergency 4-18-75; effective upon filing (Register 75, No. 16).
2. Repealer of Chapter 2 (Article 3, Sections 1301-1314) and new Chapter 2 (Article 3, Sections 1301-1314) filed 7-17-75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 29).

3. Renumbering from Article 3 (Sections 1301-1314) to Article 1 (Sections 1301-1314) of Subchapter 3 filed 12-15-75; effective thirtieth day thereafter (Register 75, No. 51).

4. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

#### ~~/1302. Definitions: In General.~~

##### NOTE

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25320, Public Resources Code.~~

##### HISTORY

~~1. Repealer filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~

#### ~~/1303~~ **1302. Rules of Construction and Definitions: Specific.**

##### **(a) Rules of Construction.**

(1) Where the context requires, the singular includes the plural and the plural includes the singular.

(2) The use of and in a conjunctive position means that all elements in the provision must be complied with, or must exist to make the provision applicable. Where compliance with one or more elements suffices, or where existence of one or more elements make the provision applicable, or (rather than and/or ) is used.

##### **(b) Definitions.**

~~For purposes of~~ In this article, the following definitions ~~shall~~ apply unless the commission has context clearly ~~indicated~~ requires otherwise:

~~Asphalt is defined as both crude asphalt and finished products such as cements fluxes.~~

~~Average load is defined as the midpoint between the minimum and maximum instantaneous load for a given month.~~

~~Aviation gasoline is defined as all special grades of gasoline for use in aviation reciprocating engines, as given in ASTM Specification D910, including all refinery products within the gasoline range that are to be marketed straight or in blends as aviation gasoline without further processing, and also including finisher components~~

~~in the gasoline range which will be used for blending or compounding aviation gasoline.~~

~~Base load unit is defined as a generating unit which is normally operated during a given month to provide all or part of the base load of an electric utility system and which, consequently is operated essentially at a constant output.~~

California ~~tidelands~~ offshore lands : means all tidal waters under California state jurisdiction pursuant to 43 U.S.C. ~~s~~Section 1311.

~~Casinghead gas is defined as a synonym of oilwell gas~~

Company : means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.

Cogenerator means an electric power plant that produces (1) electricity; and (2) useful thermal energy for industrial, commercial, heating, or cooling purposes.

Control area : means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Systems Coordinating Council.

Core Customer customer means a natural gas customer that consumes less than 20,800 therms of natural gas per month.

Customer means- an active revenue meter, or an active billed account, of an electric utility or a gas utility.

Customer Classification Code means SIC code before January 1, 2003 and NAICS code beginning January 1, 2003.

Customer sector means the following before January 1, 2003:

residential customer sector: private households, including single and multiple family dwellings, plus SIC code 0001, 0010-0039, and 88;

commercial building customer sector: SIC codes 07, 4214, 422, 50-87, 89-91, 0299-9224, 9228-9229, 93-95, 9600-9661, and 972;

other commercial customer sector: SIC codes 40-41, 4210-4213, 4215, 4230-4939, 4949-4969, 4980-4988, 9225-9227, 9250-9259, and 9700-9711 ;

process industry customer sector: SIC codes 203, 206, 24, 260-263, 28-29, 320-324;

assembly industry customer sector: SIC codes 20-39 less process industry;

other industry customer sector: SIC codes 10-17;

agriculture customer sector: SIC codes 01-02, 08-09;

water pumping customer sector: SIC codes 4940-4941, 4970-4971;

street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and

unclassified customer sector: SIC code 99.

Customer sector means the following beginning January 1, 2003:

residential customer sector: private households, including single and multiple family dwellings, plus NAICS code 81411;

commercial building customer sector: NAICS codes 115, 2331, 326212, 42, 44-45, 48841, 493, 512, 514, 52-55, 561, 61, 62, 71, 72, 81, and 92;

other commercial customer sector: NAICS codes 221, 48, 49, 513, 56151, 56152, 562, 62191, and 92811;

process industry customer sector: NAICS codes 11331, 3113, 3114, 321, 3221, 324, 3272, and 32731;

assembly industry customer sector: NAICS codes 31-33 less process industry customer sector, 511, and 54171;

other industry customer sector: NAICS codes 21 and 23;

agriculture customer sector: NAICS codes 111, 112, 113, and 114;

water pumping customer sector: NAICS code 22131;

street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and

unclassified customer sector: NAICS code 99.

Demand means the rate at which electricity is delivered by generation, transmission, and distribution systems, measured in units of watts or standard multiples thereof, (e.g., 1,000 Watts = 1 kilowatt, 1000 kilowatt = 1 megawatt).

EIA means the Energy Information Administration of the United States Department of Energy.

Electric Generator ~~generator~~ means a machine that converts mechanical energy into electrical energy; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

Electricity Sales ~~sales~~ means the amount of electricity sold by an Electric Retailer to a customer.

Electric Service Area ~~service area~~ means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.

Electric power plant means a ~~plant~~ located in California or a California control area that:

- (a) Contains one or more prime movers, one or more electric generators, and appropriate auxiliary equipment.
- (b) Is not a ~~plant~~ used only for emergency purposes.

Electric Retailer ~~retailer~~ means any company that (a) sells electricity to ~~end users~~ or customers located in California, (b) generates and consumes electricity on-site in California (except for electricity consumed for electric power plant operations), or (c) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company.

Electric Service Provider ~~service provider~~ or ESP means any company that sells electricity to end-use customers and that is not an electric utility.

Electric Utility ~~utility~~ : means ~~A~~ any company that is (a) engaged in or authorized to engage in the generation, transmission or distribution of ~~electric power~~ electricity; and (b) owned or operated by a public ~~governmental~~ entity or regulated by the California Public Utilities Commission.

End user means any company that consumes electricity or natural gas for its own use and not for resale.

Executive Director means the Executive Director of the Commission, or his or her designee.

Firm capacity ~~or firm energy~~ means: noninterruptible electric capacity ~~or energy~~ received or delivered.

Firm energy means noninterruptible electricity received or delivered.

Fuel cost means the ~~delivered~~ cost of fuel used for fuel use by an electric generator, expressed in dollars.

Fuel use means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as BTUs, used for gross generation, ~~or for any other purpose related to the operation of an electric generator, including without limitation providing spinning reserve, start-up, or flame stabilization.~~

~~Gas marketer means any company that sells natural gas to customers in California and that is not a gas processor, gas producer, or LDC.~~

Gas processor means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.

Gas ~~Retailer~~ retailer means any company that (a) sells natural gas to ~~end users or~~ customers located in California, (b) produces and consumes natural gas on-site in California (except for gas consumed for ~~gathering, processing, or compressing~~ purposes), or (c) produces natural gas at one site and consumes natural gas at another site that is in California and that is owned or controlled by the company.

Gas ~~Service Area~~ service area means the geographic area where an LDC distributes, or has distributed during an applicable reporting period, natural gas to customers.

Gas utility means any company that is (a) engaged in, or authorized to engage in, distributing or transporting natural gas or natural gas liquids, and that is (b) either owned or operated by a governmental public entity or regulated by the California Public Utilities Commission.

Gross generation means the total amount of electricity produced by an electric generator.

Hourly ~~Demand~~ demand means demand integrated over a single clock hour, measured in megawatts.



~~Interruptible curtailment is defined as the difference between the interruptible requirement and the amount of gas actually delivered or projected to be available for delivery.~~

~~Interruptible requirement is defined as the total amount of gas that would normally be delivered if curtailment or interruption of service were not necessary.~~

~~Interruptible service is defined as service subject to a curtailment or interruption under the terms of the contract of sale.~~

~~Intra-area is defined as the area in which companies routinely cooperate in the exchange of electricity and who report their activities together to the California Public Utilities Commission pursuant to its General Order 131.~~

Interchange means electric power or energy that flows from one entity control area to another control area.

Interstate Pipeline pipeline :means any pipeline that crosses a state border and that is under the regulatory authority of the Federal Energy Regulatory Commission or its successors.

Interstate Pipeline Company pipeline company means a company that owns or operates an interstate pipeline that delivers natural gas to California at the state s border or inside California s borders.

~~Major gas marketer : any company that has sold natural gas to customers in California other than to gas utilities in a gross amount exceeding 10,000,000 standard cubic feet during any one month of the preceding quarter, except any company that also qualifies as a major gas processor or producer.~~

~~Major gas processor : any company that has processed natural gas in California in a gross amount exceeding 50,000,000 standard cubic feet during any one month of the preceding quarter.~~

~~Major gas producer : any company that has produced natural gas in California, California tidelands, or the outer continental shelf adjacent to California tidelands in a gross amount exceeding 50,000,000 standard cubic feet during any one month of the preceding quarter.~~

Local Distribution Company distribution company or LDC means a gas utility, or a business unit of a gas utility, that distributes natural gas to customers.

Losses means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from electric power plants to customers.

Major Customer Sector customer sector means the following:

residential major customer sector, which means residential customer sector;

commercial major customer sector, which means commercial building customer sector;

industrial major customer sector means the sum of assembly industry customer sector, process industry customer sector, and other industry customer sector; and

other major customer sector means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.

Monthly System Peak Demand system peak demand means the highest system hourly demand in a calendar month.

Nameplate capacity means the full-load continuous rating of an electric generator or an electric power plant under specific conditions as designated by the manufacturer.

Natural gas liquids : means liquid products ~~derived from that are produced at~~ natural gas processing facilities, ~~including propane, butane (isobutane, normal butane, and other butane), butane-propane mixtures, natural gasoline and isopentane, and plant condensate. and that are gaseous at reservoir temperatures and pressures but are recoverable by condensation or absorption.~~

Natural Gas Sales gas sales means the amount of natural gas sold by a Gas Retailer to a customer.

Net generation : means gross ~~electricity~~ generation less ~~plant use~~ use by power plant ~~an electric generator.~~

~~Non-Utility Electricity Generator : any company which generates electricity from any facility provided that such company is not a utility which is owned or operated by a public entity or regulated by the Public Utilities Commission.~~

Noncore Customer customer means a natural gas customer that is not a core customer.

~~Nonfirm capacity or nonfirm energy : interruptible electric capacity or energy received or delivered.~~

North American Industry Classification System or NAICS means the system of classification for business establishments set forth in the North American Industry

Classification System United States Manual of 1997 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

NAICS Code means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.

~~Northwest : Washington, Oregon, Idaho, Montana, Wyoming, northern Nevada, and Canada.~~

Outer Continental Shelf continental shelf means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in Section 2 of the Submerged Land Act (43 U.S.C. Section 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Person means an individual human being.

Plant ~~Use~~ use means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage electric power plants.

Power plant owner means the owner of an electric power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.

Prime mover means the engine, turbine, water wheel, or other machine that produces the mechanical energy that drives an electric generator; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

Sector hourly demand means the hourly demand of customer sectors measured at customer meters. Sector hourly demand does not include losses.

~~Southwest : southern Nevada, Utah, Colorado, New Mexico, Arizona, and Mexico.~~

~~Standard industrial classification system (Also referred to as SIC : the system of classification for business establishments set forth in the Standard Industrial Classification Manual of 1972 (Executive Office of the President, Office of Management and Budget, Washington, D.C.).~~

Standard Industrial Classification (SIC) system means the system of classification for business establishments set forth in the Standard Industrial Classification Manual of 1987 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

Stocks means quantities of oil, natural gas, or natural gas liquids representing actual measured inventories corrected to 60 degrees Fahrenheit less basic sediment and water where an actual physical measurement is possible. Stocks include

domestic and foreign quantities held at facility and in transit thereto, except those in transit by a pipeline.

Submitted means, with regard to data, a report, or an application that must be submitted by a specified date, that the data is received at the Commission by that date and that the data, report, or application is complete, accurate, and in compliance with the applicable requirements of this Article and with the forms and instructions specified under Section 1303(b).

System hourly demand means the hourly demand of an electric utility or a control area, measured at electric power plants and at interconnections. System hourly demand includes losses.

~~Utility Distribution Company~~ distribution company or UDC means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.

## NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308-25310.2, 25309, 25310, 25320-25323, 25324-25325, and 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604, Public Resources Code.

## HISTORY

1. Amendment filed 9-12-75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 37).
2. Amendment filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
3. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
4. Amendment filed 6-26-90; operative 7-26-90 (Register 90, No. 34).

## ~~/1304~~ 1303. Data Requirements; General Rules for all Reports.

~~(a) All data required in subdivision (b) shall be submitted according to forms and instructions adopted by the Commission consistent with these regulations. Unless otherwise indicated in subdivision (b), the information shall pertain to the calendar quarter immediately proceeding and to the 12-month period ending one year after the reporting deadline. The data shall be reported on a monthly basis starting with data for the first quarter following the effective date of this regulation.~~

**(a) Submittal of Reports.**

Each electric utility, electric retailer, gas utility, gas retailer, gas processor, interstate pipeline company, UDC, LDC, control area operator, and power plant owner shall submit to the Commission all of the applicable data and reports listed in this Section and in Sections 1304-1310, as required by this Article.

**(b) Forms and Instructions.**

The data and reports shall be submitted on forms, and in accordance with instructions for the forms, specified by the Executive Director, which may include without limitation a requirement that the data or reports be submitted in electronic format generally or in a specific electronic format. The Executive Director shall consult with interested companies before specifying forms and instructions.

**(c) Monthly Reports and Data.**

Data or reports referred to as monthly shall be submitted for the previous month on the 15th day of each month.

**(d) Quarterly Reports and Data.**

Data or reports referred to as quarterly shall be submitted for the previous calendar quarter on the 15th day of February, May, August, and November. Quarterly data or reports may, as specified in Sections 1304-1310, be required to contain data on a month-by-month basis.

**(e) Annual Reports and Data.**

Data or reports referred to as annual or annually shall be submitted for the previous calendar year on the 15th day of February. Annual data or reports may, as specified in Sections 1304-1310, be required to contain data on a month-by-month or quarter-by-quarter basis.

**(f) Extension of Deadlines Specified in Sections 1303-1310.**

The company responsible (or delegated the responsibility under Section 1303(g) for submitting data, a report, or an application may apply for and receive from the Executive Director an extension of the deadlines established in Sections 1303-1310. The Executive Director shall act on an application within five business days after it is received at the Commission. ~~The Executive Director's decision is final and not appealable.~~ The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. An extension, which shall be no more than 30 days, shall be granted if:

- (1) The company submits and the Commission receives, no later than 15 days before the data, report, or application is due an application that includes:
- (A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application;
  - (B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the application, who should be contacted with questions about the application;
  - (C) the name of the report and the Sections of these regulations applicable to the data, report, or application;
  - (D) the reasons why the company believes the data, report, or application cannot be, or may not be able to be, submitted on time;
  - (E) the measures the company is taking to complete the data, report, or application on time or as soon thereafter as possible; and
  - (F) the date the company believes the data, report, or application will be submitted;
  - (G) a declaration executed under penalty of perjury of the laws of the State of California stating:
    - (i) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;
    - (ii) that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and
    - (iii) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

- (2) the Executive Director finds that there is good cause for an extension and that the data, report, or application is likely to be submitted by the extended due date.

**(g) Delegation.**

**(1) In general.**

The company designated in Sections 1304-1311 as required to submit data or a report may delegate to another company the submittal of the data or report if the delegatee agrees, but in any event the company designated in Sections 1304-1311 shall be responsible for the timely, accurate, and complete submittal of the data or report and an authorized employee thereof shall execute the declaration required by Section 1303(l)(8).

**(2) Electric retailers.**

An electric retailer may delegate the submittal of the data and reports required by Section 1306 only to the UDC or UDCs that provide electric distribution service to the electric retailer s customers, and only if:

- (A) the electric retailer is an ESP; and
- (B) all of the UDCs serving the electric retailer s customers agree to submit the required data as the electric retailer s delegates.

**(3) Gas retailers.**

A gas retailer may delegate the submittal of the data or reports required by Section 1307 only to the LDC or LDCs that provide gas distribution service to the gas retailer s customers, and only if:

- (A) the gas retailer operates solely under the California Public Utilities Commission s core aggregation program, as defined in Decision 91-02-040; and
- (B) all of the LDCs serving the gas retailer s customers agree to submit the required data as the gas retailer s delegates.

**(h) Previously-submitted Data or Reports.**

If any of the data required to be included in a report is exactly the same as the data included in a previous report submitted by the same company, the current report need not contain that data if it refers to the previously-submitted data in sufficient specificity to allow the data to be found and retrieved easily.

**(i) Submittal of Alternative Data, Reports, or Format.**

The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data or a report under Sections 1304-1311 may apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report, another collection of data assembled and prepared by the company for a purpose other than compliance with this article, or to submit data not in accordance with the forms and instructions specified under Section 1303(b). The Executive Director shall act on an application within 20 days after it is received by the Commission. If the application is granted, then the company may submit updated alternative data for each subsequent report without the need for a subsequent application. The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. The Executive Director's decision is final and not appealable. The Executive Director may revoke authorization at any time for any reason. An application shall be granted if:

- (1) The company submits and the Commission receives, no later than 30 days before the data or report is due, an application that includes:
  - (A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application and of the entity to which the alternative collection of data was or will be submitted;
  - (B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the data or report, who should be contacted with questions about the application;
  - (C) the name of the report and the Sections of these regulations applicable to the data or report;
  - (D) the name, date, and if applicable publication number of the alternative collection of data;
  - (E) the reasons why the company believes that the alternative collection of data meets each applicable requirement of this Section and Sections 1304 -1311; and
  - (F) a declaration executed under penalty of perjury of the laws of the State of California stating:



- (i) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;
- (ii) that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and
- (iii) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(2) the Executive Director finds that compliance with these regulations and the needs of the Commission, other entities, and the public will not be harmed by granting of the application.

**(j) Parents, Subsidiaries, and Affiliates.**

Except to the extent allowed by Section 1303(g), if a company required to submit data or a report is a parent, subsidiary, or affiliate of another company, the former company shall submit the data or report only for its own activities and not for the activities of the parent, subsidiary, or affiliate.

**(k) Multiple Reports.**

A company may submit under one cover data or reports required by more than one section in Sections 1304-1311, if the data or report required by each section is identified in a table of contents and in the document and the data or report is clearly separated from data or reports required by other sections.

**(l) Data Required in All Reports.**

Each report required by Sections 1304-1311 shall include, in addition to the data specified in those sections, the following:

- (1) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the report;
- (2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the

company submitting the report, who should be contacted with questions about the report;

(3) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company responsible for submitting the data or report;

(4) the date on which the report is being submitted;

(5) the time period or periods that the report covers;

(6) an indication of the status of the company responsible for submitting the report: i.e., power plant owner, electric utility, electric retailer, gas utility, gas retailer, gas processor, or interstate pipeline company;

(7) the sections of this Article applicable to the report; and

(8) a declaration that is executed under penalty of perjury of the laws of the State of California, and that is executed by an authorized employee of the company responsible for submitting the report, stating:

(A) the name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company responsible for submitting the report, and the title of the person;

(B) that the person executing the declaration is authorized to do so and submit the report on behalf of the company responsible for submitting the report; and

(C) that the matters contained in the report are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

**(km) Accuracy of NAICS-Customer Classification Coding.**

(1) Electricity and natural gas sales data reported pursuant to Sections 1306(a)(1)(A) and 1307(a)(1)(A) shall be accurately classified by NAICS-Customer Classification code. Data shall be deemed accurately classified if, based on a random sample comparing (I) the NAICS-Customer Classification code used for classification under Section 1306(a)(1)(A) or 1307(a)(1)(A) used for general customer record keeping to (II) an independently-derived NAICS-Customer Classification code known to be accurate for each non-residential establishment in the sample, 99% of customer accounts, weighted by energy, are correctly classified at the major customer sector

level and 90% of customer accounts, weighted by energy, are correctly classified at the 3-digit NAICS Customer Classification code level.

(2) If the Executive Director believes that sales data provided by a retailer is not accurately classified by Customer Classification code, he or she may require the appropriate UDC or LDC to conduct an audit or comparable study to verify the accuracy of the NAICS Customer Classification coding of the data submitted to the Commission.

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

### **1304: Data Requirements: Specific Data and Reports Electric Generator Power Plant Reports**

#### **(a) Reports by Power Plant Owners.**

Each power plant owner shall submit all of the data and reports required by this subsection for each electric power plant that has a nameplate capacity of one megawatt or more, and that it owns or owned during the reporting period.

For the purposes of this subsection, all of the wind turbines in an electric power plant shall be collectively considered as one single electric generator.

(b) (1) Electric Utility Resources Capacity and Generation. Each electric utility shall report its operable electric generating capacity (megawatts) and the monthly generation (megawatt-hours) for each of the following resource categories:

#### (A) Hydropower

1. Large projects (30 megawatts or larger rated capacity).
2. Small projects (less than 30 megawatts rated capacity).
3. Pumped storage.

#### (B) Nuclear.

#### (C) Coal.

#### (D) Oil.

1. Residual or crude oil.
  - a. conventional steam.
  - b. cogeneration.
2. Distillate.
  - a. conventional steam.

- ~~b. combustion turbine.~~
- ~~c. combined cycle.~~
- ~~d. internal combustion.~~
- ~~e. cogeneration.~~
- ~~f. fuel cells.~~
- ~~(E) Gas.~~
  - ~~1. Conventional steam.~~
  - ~~2. Combustion turbine.~~
  - ~~3. Combined cycle.~~
  - ~~4. Internal combustion.~~
  - ~~5. Cogeneration.~~
  - ~~6. Fuel cells.~~
- ~~(F) Geothermal.~~
  - ~~1. Vapor.~~
  - ~~2. Liquid flash.~~
  - ~~3. Liquid binary.~~
- ~~(G) Biomass.~~
  - ~~1. Forest or agricultural residue.~~
  - ~~2. Municipal solid waste.~~
- ~~(H) Wind.~~
- ~~(I) Solar.~~
  - ~~1. Thermal.~~
  - ~~2. Photovoltaic.~~
- ~~(J) Other (specify).~~

**(1) Each Report: Electric Power Plant Identification.**

The following data shall be submitted for each electric power plant with every monthly, quarterly, or annual report:

- (A) name of the electric power plant;
- (B) identification number of the electric power plant assigned by the Commission;
- (C) facility code of the electric power plant assigned by the EIA;
- (D) address where the electric power plant is physically located: street address, city, county, state and zip code;
- (E) if the power plant operator is not the power plant owner, the power plant operator's full legal name and address of principal place of business including the street address, city, state, and zip code;
- (F) nameplate capacity of the electric power plant;

(G) if the electric power plant is a cogenerator, the ~~NAICS~~ Customer Classification code of the entity to which the electric power plant supplies waste heat;

(H) if the electric power plant supplies electricity directly to an entity on site, the ~~NAICS~~ Customer Classification code of the entity;

(I) if the electric power plant was sold during the reporting period;

(i) the settlement date of the power plant sale;

(ii) the buyer's and the seller's full legal names and addresses including street address, city, state, and zip code; and

(iii) the name, address including street address, city state, and zip code, and telephone number of the contact persons for the buyer and seller; and

(J) for each electric generator in the electric power plant:

(i) the identification number assigned by the power plant owner;

(ii) nameplate capacity of the electric generator and, if the prime mover is a wind turbine, the total number of the turbines reflected in the nameplate capacity;

(iii) the date electricity was first generated by the electric generator;

(iv) the operating status of the electric generator during the reporting period, such as operating, standby, cold standby, on test, maintenance, out of service, indefinite shutdown, or retired;

(v) if the electric generator was retired during the reporting period, the retirement date;

(vi) the type of prime mover that drives the electric generator, such as combustion turbine, steam turbine, internal combustion engine, wind turbine, solar, hydraulic turbine, geothermal binary, or other (specify); and

- (vii) an indication whether the primer mover is part of a combined-cycle unit.

**(2) Generation and Fuel Use Data.**

- (A) For electric power plants with nameplate capacity of one megawatt or more and less than ten megawatts, the following data shall be submitted annually:
  - (i) gross generation of each electric generator, in megawatt hours;
  - (ii) net generation of each electric generator, in megawatt hours;
  - (iii) available capacity, in kilowatts, of each electric generator at the time of the annual peak demand of the control area in which the electric power plant is located;
  - (iv) fuel use, by fuel type, of each electric generator;
  - (v) electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use;
  - (vi) sales for resale, in megawatt hours; and
  - (vii) sales to end users, classified by ~~NAICS~~ Customer Classification code, in megawatt hours.
- (B) For electric power plants with nameplate capacity of ten megawatts or more and less than fifty megawatts, the following data shall be submitted quarterly:
  - (i) monthly gross generation of each electric generator, in megawatt hours;
  - (ii) monthly net generation of each electric generator, in megawatt hours;
  - (iii) available capacity, in kilowatts, of each electric generator at the time of the monthly peak demand of the control area in which the electric power plant is located;
  - (iv) monthly fuel use, by fuel type, of each electric generator;

- (v) monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use; and
- (vi) monthly sales for resale, in megawatt hours; and
- (vii) monthly sales to end users, classified by ~~NAICS~~ Customer Classification code, in megawatt hours.

(C) For electric power plants with nameplate capacity of fifty megawatts or more, the following data shall be submitted quarterly:

- (i) monthly gross generation of each electric generator, in megawatt hours;
- (ii) monthly net generation of each electric generator, in megawatt hours;
- (iii) available capacity, in kilowatts, of each electric generator at the time of the monthly peak demand of the control area in which the electric power plant is located;
- (iv) monthly fuel use, by fuel type, of each electric generator;
- (v) monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use;
- (vi) monthly sales for resale, in megawatt hours;
- (vii) monthly sales to end users, classified by ~~NAICS~~ Customer Classification code, in megawatt hours; and
- (viii) monthly fuel cost by fuel type of each electric generator, provided, however, that such data shall be submitted one quarter later than is required by Section 1303(d).

**(b) Reports by UDCs.**

Each UDC shall report ~~annually~~ semiannually the following data for each electric power plant located in the UDC's electric service area. Notwithstanding Section 1303(e), the report shall be submitted on January ~~15~~ 31 and July ~~31~~ each year.

- (1) name;
- (2) facility code assigned by the EIA;

- (3) nameplate capacity in megawatts;
- (4) voltage at which the electric power plant is interconnected with the UDC system or transmission grid;
- (5) address where the electric power plant is physically located, including the street address, city, state, and zip code;
- (6) power plant owner s full legal name and address of principal place of business, including the street address, city, state, and zip code; and
- (7) longitude and latitude, expressed to the nearest degree, if available.

~~(2)Electric Utility Capacity and Energy Transactions.~~

~~Each electric utility shall report its monthly system receipts (net of line losses) and deliveries of firm and nonfirm capacity (megawatts) and energy (megawatt-hours) as follows:~~

~~(A).—Northwest.~~

~~(1)—United States~~

- ~~(a)—Bonneville Power Administration.~~
- ~~(b)—Publicly-owned utilities.~~
- ~~(c)—Investor-owned utilities.~~

~~(2)—Canada.~~

- ~~(a)—British Columbia Hydropower Authority.~~
- ~~(b)—Other.~~

~~(B).—Southwest.~~

~~(1)—United States.~~

- ~~(a)—Western Area Power Administration (Boulder City).~~
- ~~(b)—Publicly-owned utilities.~~
- ~~(c)—Investor-owned utilities.~~

~~(2)—Mexico.~~

- ~~(a)—Comision Federal de Electricidad.~~
- ~~(b)—Other.~~

~~(C).—California.~~

- ~~(a)—Western Area Power Administration (Sacramento).~~
- ~~(b)—California Department of Water Resources.~~
- ~~(c)—Publicly-owned utilities.~~
- ~~(d)—Investor-owned utilities.~~

~~(D).—Cogenerators and small power producers.~~

~~(3) Electric Fuel Data. Each electric utility shall report by month:~~



~~(A) Fuel (including residual, crude, and distillate oil; gas; coal; and biomass) on hand at the end of the month.~~

~~(B) Fuel burned during the month.~~

~~(C) Fuel deliveries received during the month.~~

~~(D) Dollars per unit of fuel average burned.~~

~~(E) Source and end use of fuel.~~

~~(4) Gas and Electric Utility Marketing Report. Each electric and gas utility shall report at least quarterly its sales of electricity or deliveries of gas by month for the preceding calendar quarter (by number of accounts, kilowatt hours or therms, and dollars of revenue for electricity sales only) to each customer category (including residential, commercial, industrial, agricultural, governmental, resale, and other) and subcategory thereof (including standard industrial classifications). The company shall also report its projected total sales for the 12 months ending one year after the reporting date.~~

~~(5) Gas and Electric Utility County Distribution Report. Each electric and gas utility which has electricity sales or gas deliveries in more than one county shall annually report its electricity sales and gas deliveries in each county to each customer category and subcategory thereof.~~

~~(6) Gas Utility Supply. Each gas utility shall report the sources, amounts, prices, and disposition of its natural gas supply according to supplier categories set forth in forms and instructions adopted by the Commission.~~

~~(7) Gas Utility Annual Rate and Customer Category Report. Each gas utility shall report annually a cross tabulation of its natural gas deliveries and revenues by (1) rate schedule categories and (2) customer category (including SIC code and number of accounts.).~~

~~(8) Gas Production Report. Reserved.~~

~~(9) Natural Gas Processing Report. Each major gas processor shall report by month and by plant its stocks at the beginning of the month, receipts during the month, inputs during the month, production during the month, shipments during the month, plant use and losses, and stocks at the end of the month for each of the following products:~~

~~(A) Ethane~~

~~(B) Propane~~

~~(C) Ethane-Propane Mix~~

~~(D) Butane~~

~~(E) Butane-Propane Mix~~

~~(F) Isobutane~~

~~(G) Natural Gasoline and Isopentane~~

~~(H) Plant Condensate~~

~~(I) Unfractionated Steam~~

- ~~(J) Motor Gasoline~~
  - ~~1. Finished Leaded~~
  - ~~2. Finished Unleaded~~
- ~~(K) Finished Aviation Gasoline~~
- ~~(L) Special Napthas~~
- ~~(M) Naphtha-Type Jet Fuel~~
- ~~(N) Kerosene-Type Jet Fuel~~
- ~~(O) Kerosene~~
- ~~(P) Distillate Fuel Oil~~
- ~~(Q) Miscellaneous Products~~

~~(10) Gas Producers/Marketers Report. Each major gas producer and marketer shall report at least quarterly its natural gas deliveries by month for the preceding calendar quarter (by number of accounts and volumes or therms delivered) to each customer category (including gas utilities, electric utilities, industrial, agricultural, and others) and subcategory thereof (including oil refineries, fertilizer plants, and other subcategories by standard industrial classification) as specified by forms and instructions adopted by the Commission. Each company shall also report its projected total deliveries for the 12 months ending one year after the reporting date. Each company shall also report annually its natural gas deliveries to each of the customer categories and subcategories by county.~~

~~(11) Non-Utility Electricity Supply Data Reports.~~

~~(A) Except as provided in section (11)(D) below, all non-utility electricity generators shall collect and report to the Commission the following data by SIC Code:~~

- ~~1. The total amount of fossil fuel, if any, used each month to generate electricity; and~~
- ~~2. The total amount of electricity, if any, generated each month.~~

~~(B) Except as provided in section (11)(D) below, each gas utility shall prepare and report to the Commission by SIC Code estimates concerning the total amount of natural gas (i.e. therms), if any, used to generate electricity each month by non-utility electricity generators located within the service area. All facts and assumptions upon which these estimates are based shall be provided with the estimates.~~

~~(C) Except as provided in section (11)(D) below, each electric utility shall prepare and report to the Commission the following data by SIC Code:~~

- ~~1. The name, address and SIC Code designation of each non-utility electricity generator with installed facilities rated at 10 megawatts (MW) or more located within the reporting utility's service area; and~~
- ~~2. Estimates concerning the total amount of electricity, if any, generated each month, but not sold to an electric utility, by non-utility electricity generators located within the service area. All facts and assumptions upon which these estimates are based shall be provided with the estimates.~~

~~(D) The requirements of this section are limited as follows:~~

~~1. The provisions of section (11)(A), above, shall not apply to:~~

~~(a) any facility of a non-utility electricity generator with installed capacity rated below 10 megawatts (MW); or~~

~~(b) any facility of a non-utility electricity generator, regardless of size, provided that the facility uses no fossil fuel to generate electricity and the generator sells all of the electricity generated to an electric utility.~~

~~2. The estimates contained in sections (11)(B) and (11)(C)2. need not be provided for any facility of a non-utility electricity generators with installed capacity rated at or above 10 megawatts (MW).~~

#### NOTE

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308, 25309, 25310, 25320-25323 and 25401, Public Resources Code.~~

#### HISTORY

~~1. Amendment of subsection (b) filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).~~

~~2. Amendment of subsection (b) filed 11-12-81; designated effective 1-1-82 (Register 81, No. 46).~~

~~3. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~

~~4. Amendment of subsection (b) filed 6-26-90; operative 7-26-90 (Register 90, No. 34).~~

#### NOTE

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.~~

[/1305. Control Area Operator Reports.](#)

Each control area operator with California end users inside its control area, including without limitation the California Independent System operator, shall submit the following data:

**(a) Monthly Reports on Monthly System Peak Demand:** monthly system peak demand in the control area, and the date and hour of the monthly system peak demand;

**(b) Quarterly Reports on Interconnections:**

(1) the names of all other control areas with which the control area is interconnected;

(2) the names of all interconnections with other control areas; and

(3) the operating voltages of all such interconnections expressed in kilovolts;

**(c) Quarterly Reports on Interchanges:**

(1) the name of each control area with which the control area operator scheduled interchanges;

(2) electricity, expressed in megawatt hours that was scheduled to be delivered from each control area identified in Section 1305(b)(1) into the control area operator s control area;

(3) electricity, expressed in megawatt hours that was scheduled to be delivered from the control area operator s control area to each control area identified in Section 1305(b)(1);

(4) electricity, expressed in megawatt hours that was delivered from each control area identified in Section 1305(b)(1) into the control area operator s control area; and

(5) electricity, expressed in megawatt hours that was delivered from the control area operator s control area to each control area identified in Section 1305(b)(1).

## **NOTE**

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

**1306: Electric Retailer Reports and ~~NAICS~~ Customer Classification Coding by UDCs.**

**(a) Quarterly Electric Retailer Reports.**

Each electric retailer, or UDC pursuant to Section 1303(g), shall report quarterly the following:

**(1) Electricity Sales.**

(A) monthly electricity sales expressed in megawatt hours; and

(B) monthly number of customers.;

each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same ~~NAICS~~ Customer Classification code).

**(2) Commodity Price Estimates.**

For each of the major customer sectors, an unbiased, good faith estimate of the electric retailer s average commodity electricity price paid by customers, expressed in dollars per kilowatt-hour.

**(b) Annual UDC Reports to the Commission and to ESPs**

Each UDC shall annually report the following:

**(1) ESP Information to the Commission.** For each ESP that sells electricity to customers in the UDC s electric service area, the UDC shall report to the Commission:

name of the ESP;

business address of the UDC; and

sales of electricity, expressed in megawatt hours, to customers in the UDC s service area; and

**(2) ~~NAICS~~ Customer Classification Codes to Electric Retailers.** The UDC shall report, to each electric retailer that sells electric energy to customers in the UDC s service area, the ~~NAICS~~ Customer

Classification Code of each customer to which the electric retailer sells electric energy as of December 31.

**NOTE**

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

**1307: Gas Retailer Reports and ~~NAICS~~ Customer Classification Coding by LDCs.**

**(a) Quarterly Gas Retailer Reports.**

Each gas retailer, or LDC pursuant to Section 1303(g), shall report quarterly the following:

**(1) Natural Gas Sales.**

(A) monthly natural gas sales expressed in millions of therms; and

(B) monthly number of customers;

each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same ~~NAICS~~ Customer Classification code).

**(2) Commodity Price Estimates.**

For each of the major customer sectors, an unbiased, good faith estimate of the gas retailer's average commodity natural gas cost price paid by customers, expressed in dollars per million BTU.

**(b) Annual LDC Reports to the Commission and to Gas Retailers**

Each LDC shall annually report the following:

**(1) Gas Retailer Information to the Commission.** For each gas retailer that sells natural gas to customers in the LDC's gas service area, the LDC shall report to the Commission:

name of the gas retailer;

business address of the gas retailer; and

sales of natural gas, expressed in thousand cubic feet or therms, to customers in the LDC s service area; and

- (2) ~~NAICS Customer Classification~~ **Codes to Gas Retailers**. The LDC shall report, to each gas retailer that sells natural gas to customers in the LDC s service area, the ~~NAICS Customer Classification~~ Code of each customer to which the gas retailer sells electricity as of December 31.

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

#### **/1308: Gas Utility Reports.**

Each gas utility shall report the following data quarterly:

##### **(a) Natural Gas Receipts.**

All natural gas received by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas received, expressed in Btu per cubic feet; each classified by all of the following:

- (1) How received: purchased, transported for others, or withdrawn from storage;
- (2) Where and from whom the natural gas was received, according to the following entities and locations:

##### **(A) Pipeline locations at the California Border**

- (i) El Paso Natural Gas at Topock
- (ii) El Paso Natural Gas at Blythe
- (iii) Transwestern Pipeline at Needles
- (iv) PG&E Gas Transmission — Northwest at Malin
- (v) Other California Border Receipt Points (Designate)

**(B) Instate locations**

- (i) Kern River Gas Transmission/Mojave Pipeline at Kern River Station
- (ii) Kern River Gas Transmission /Mojave Pipeline at Wheeler Ridge
- (iii) Kern River Gas Transmission/Mojave Pipeline at Hector Road
- (iv) PG&E at Wheeler Ridge
- (v) California Production at Wheeler Ridge
- (vi) Kern River Gas Transmission at Daggett
- (vii) Rainbow compression station
- (viii) Dana Point compression station
- (ix) Other interconnect points

**(C) California Production**

- (i) California onshore production received into the gas utility system
- (ii) California offshore lands production received into the gas utility system
- (iii) California outer continental shelf production received into the gas utility system.

**(b) Monthly Natural Gas Sendout.**

All natural gas delivered by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by all of the following:

**(1) Core Customer Deliveries.**

- (A) Each Major Customer Sector (designate)



- (B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.
- (C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.
- (D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.
- (E) Other (designate by ~~NAICS~~ Customer Classification code)

**(2) Noncore Customer Deliveries**

- (A) Each Major Customer Sector (designate)
- (B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.
- (C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.
- (D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.
- (E) Other (designate by ~~NAICS~~ Customer Classification code)

**(3) Delivery to other utilities through the following delivery points:**

- (A) Kern River Station
- (B) Wheeler Ridge
- (C) Rainbow compression station
- (D) Dana Point compression station
- (E) Other points (designate)

**(4) Delivery to Interstate Pipelines through the following delivery points:**

- (A) Kern River Station
- (B) Wheeler Ridge

(C) Hector Road

(D) Daggett

(E) Other points (Designate)

**(5) Delivery to International Pipelines**

(A) Otay Mesa into Mexico

(B) Calexico into Mexico

(C) Other points (designate)

**(6) For Storage Injection**

(A) Gas utility-owned storage

(B) Non-gas utility-owned storage

**(7) Losses and Unaccounted for**

**(c) Annual Natural Gas Deliveries.**

All natural gas delivered by the gas utility, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by:

(1) Residential; and

(2) Nonresidential, classified by ~~NAICS~~ Customer Classification code, and classified for each ~~NAICS~~ Customer Classification code by:

(A) Delivery to core customers, except for core cogeneration customers;

(B) Delivery to core cogeneration customers;

(C) Delivery to noncore customers, except for noncore cogeneration customers; and

(D) Delivery to noncore cogeneration customers.

**(d) Annual Natural Gas Delivery Revenues.**

All natural gas delivery revenues received by the gas utility for each of the previous three months, expressed in dollars. Delivery revenue shall include all non-commodity components of the utility's rates, including without limitation costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts. Delivery revenue shall be classified by:

- (1) **Residential**; and
- (2) Nonresidential, classified by ~~NAICS Customer Classification~~ code, and classified for each ~~NAICS Customer Classification~~ code by:
  - (A) Delivery to core customers, except for core cogeneration customers;
  - (B) Delivery to core cogeneration customers;
  - (C) Delivery to noncore customers, except for noncore cogeneration customers; and
  - (D) Delivery to noncore cogeneration customers.

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

#### **/1309: Interstate Pipeline Company Reports.**

Each interstate pipeline company shall report the following data annually:

##### **(a) Natural Gas Receipts.**

All natural gas receipts from sources inside California's border, expressed in thousand cubic feet or therms; and the average heat content of the natural gas received, expressed in Btu per cubic foot; each classified by:

- (1) California production
- (2) Kern River Station
- (3) Hector Road

- \_\_\_\_\_ (4) Daggett
- \_\_\_\_\_ (5) Wheeler Ridge
- \_\_\_\_\_ (6) Other (designate)

**(b) Natural Gas Deliveries to California Customers**

Each interstate pipeline company shall report annually the following:

For residential customers, and for each group of non-residential customers that have the same ~~NAICS~~ Customer Classification code, each further subdivided by county and for each year:

- (A) annual natural gas deliveries expressed in thousand cubic feet or therms; and
- (B) annual number of customers.

**(c) Natural Gas Deliveries to Interstate Pipelines and Gas Utilities.**

All natural gas volumes delivered by the interstate pipeline company to locations in California or at the California border, expressed in thousand cubic feet or therms, and the average heat content of the natural gas delivered, expressed in Btu per cubic foot; each classified by:

- (1) Natural gas utilities (designate).
- (2) Interstate Pipelines (designate).
- \_\_\_\_\_ (3) Delivery Points.
  - \_\_\_\_\_ (A) Topock
  - \_\_\_\_\_ (B) Needles
  - \_\_\_\_\_ (C) Blythe
  - \_\_\_\_\_ (D) Malin
  - \_\_\_\_\_ (E) Wheeler Ridge
  - \_\_\_\_\_ (F) Hector Road
  - \_\_\_\_\_ (G) Daggett

\_\_\_\_\_ (H) Kern River Station

\_\_\_\_\_ (I) Other (Designate)

**NOTE**

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

**/1310: Natural Gas Processor Reports.**

Each natural gas processor shall report quarterly:

(a) by month for each of the previous three months,

(b) by plant, and

(c) for each of the following products:

(1) Ethane

(2) Propane

(3) Normal Butane

(4) Isobutane

(5) Pentanes Plus

(d) the following data:

(1) stocks at the beginning of the month;

(2) receipts during the month;

(3) inputs during the month

(4) production during the month;

(5) shipments during the month;

(6) plant fuel use and losses for processing during the month;

(7) stocks at the end of the month.

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

#### ~~/1305. Information to Be Submitted.~~

~~(a) The company shall submit:~~

~~(1) Company name;~~

~~(2) Company address;~~

~~(3) Name and telephone number of the person or persons responsible for QFER compliance;~~

~~(4) The name of every subsidiary, division, or other company covered by the report;~~

~~(5) Whether it is reporting as an electric utility, gas utility, non-utility electricity generator major gas producer, processor, or marketer, or as an entity engaged in several of those activities; and~~

~~(6) The date on which the report is submitted.~~

~~(b) If a company contains divisions, departments, or subsidiary companies, the parent company shall file a single report reflecting the activities of each of its subsidiaries, divisions, and departments.~~

~~(c) The company need not submit identical data more than once.~~

#### ~~NOTE~~

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308, 25309, 25310, 25320-25323 and 25401, Public Resources Code.~~

#### ~~HISTORY~~

~~1. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~

~~2. Amendment of subsection (a) filed 6-26-90; operative 7-26-90 (Register 90, No. 34).~~

#### ~~/1306. Deadline.~~

~~(a) The company shall submit to the Commission the required information for the immediately preceding calendar quarter and the 12-month projections on or before the fifteenth day of February, May, August, and November. The company may, at its option, submit the information monthly instead of quarterly. The company shall submit the required annual reports on or before the fifteenth day of the immediately following February.~~

~~(b) The company's report shall be deemed submitted as of the date of postmarking, or the date of receipt at any office of the commission, whichever is earlier, provided each report is legibly and properly completed.~~

#### NOTE

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25320, Public Resources Code.~~

#### HISTORY

~~1. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~

#### ~~/1307. Extensions of Reporting Deadlines.~~

~~(a) Any company that cannot meet a deadline shall apply to the Executive Director for an extension of time to report. The application shall set forth:~~

- ~~(1) The reasons why it cannot meet the deadline,~~
- ~~(2) The measures it is taking to comply with the deadline, and~~
- ~~(3) The date on which it expects to report.~~

~~(b) The Executive Director or designee thereof may grant an extension of up to thirty days upon determination that it is likely that the company will comply within the period of the extension.~~

~~(c) A company may apply to the Commission for an extension of more than thirty days or may appeal the Executive Director's denial of an extension. The Commission may grant an extension of time for the period applied for or less after consideration of the factor listed in subsection (b). The Commission shall not institute any judicial action to enforce this article unless it finds that the application was filed in bad faith for dilatory purposes.~~

~~(d) All factual representations contained in any document submitted pursuant to this section shall be attested to under penalty of perjury by an officer or employee of the company. The document shall include a brief description of the position in the company of such officer or employee.~~

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308, 25309, 25310, 25320-25323 and 25401, Public Resources Code.

#### HISTORY

1. New subsection (d) filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
3. Amendment of subsection (a) filed 6-26-90; operative 7-26-90 (Register 90, No. 34).

#### ~~/1308. Projections.~~

~~A company required to submit projections shall provide the commission with the projections it considers most reliable and which it would utilize for internal management. When projecting the results of future mineral extraction, it shall assume that sound engineering and conservation practices will be observed. When projecting matters that depend on natural conditions, it shall assume average historical conditions. The company shall make prudent assumptions regarding changes in economic conditions. Projections of future purchases shall include both firm present contractual obligations and probable future purchases. Where a company can predict with more precision a given aggregate quantity than that quantity broken down into the categories specified in the forms, the company shall provide projections of the detail that are internally consistent and sum to the company's projection for the aggregate quantity.~~

#### NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25320, Public Resources Code.

#### HISTORY

1. Repealer of former Section 1308 and renumbering and amendment of former Section 1309 to Section 1308 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

#### ~~/1309. Reporting Format.~~



~~Companies are encouraged to deliver data to the Commission on magnetic tape or digital media, in a format specified by the instructions accompanying the forms. If it would not impair the efficiency of the QFER system, the Executive Director or designee thereof may authorize the submittal of reports prepared for other purposes in lieu of the QFER forms.~~

#### ~~NOTE~~

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308, 25309, 25310, 25320-25323 and 25401, Public Resources Code.~~

#### ~~HISTORY~~

- ~~1. Renumbering and amendment of former section 1309 to section 1308 and new section 1309 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~
- ~~2. Amendment filed 6-26-90; operative 7-26-90 (Register 90, No. 34).~~

#### ~~/1310. Final Submission Date.~~

~~For purposes of Section 25322 of the Public Resources Code, submission of the information will be deemed to have occurred when the Commission has received adequate data for a representative summary.~~

#### ~~NOTE~~

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25322, Public Resources Code.~~

#### ~~HISTORY~~

- ~~1. Repealer of former Section 1310 and renumbering and amendment of former Section 1313 to Section 1310 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).~~

#### ~~/1311. Certification.~~

~~Pursuant to the provisions of Section 11181 of the Government Code and Section 25210 of the Public Resources Code, the individual primarily responsible for preparing each form for the company shall execute the following certification to accompany the form or forms so prepared: I certify under penalty of perjury that the information contained on form(s) \_\_\_\_\_ is true and correct to the best of my knowledge.~~

## NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25320, Public Resources Code.

## HISTORY

1. Repealer of former Section 1311 and renumbering and amendment of former Section 1314 to Section 1311 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

### ~~/1312. Trade Secrets.~~

## NOTE

Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25223, Public Resources Code.

## HISTORY

1. Repealer filed 6-26-79; effective thirtieth day thereafter (Register 79, No. 26).

### ~~/1313. Accuracy Report.~~

(a) Electricity and gas consumption data reported pursuant to section 1304, above, shall be accurately classified into proper SIC Codes. Data shall be deemed accurately classified by the Commission if the energy consumption is 99 percent correct for those customer sectors identified in section 1344(d)(3)(A) through (G), Title 20, of these regulations; and if 90 percent of the energy consumed by the reporting utility's customers is correctly classified at the two (2) digit SIC Code level.

(b) Every two years each gas and/or electric utility shall conduct an audit or comparable study to determine the accuracy of the data submitted to the Commission pursuant to section 1304. This analysis shall include, but not be limited to, an evaluation of the accuracy of each utility's energy filings in relation to its sector classifications (i.e. residential, commercial or industrial) and 2-digit SIC Code assignments.

(c) On or before May 15, 1991, and every two years thereafter, each utility shall biennially file an Accuracy Report with the Commission regarding the methods used and results obtained from its accuracy studies conducted during the previous two years. This report shall identify all cost effective measures which the utility could take

~~to improve the accuracy of its QFER filings, and the earliest feasible time for implementing such improvements.~~

~~(d) Within 90 days after receiving the Accuracy Report, the Commission may require a utility to undertake specified cost-effective steps to improve the accuracy and reliability of its QFER filings.~~

#### ~~NOTE~~

~~Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308, 25309, 25310, 25320-25323 and 25401, Public Resources Code.~~

#### ~~HISTORY~~

~~1. New section filed 6-26-90; operative 7-26-90 (Register 90, No. 34).~~

## **Chapter 7.**

### **Article 2. Disclosure of Commission Records.**

#### **/2501. Policy.**

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, and has also recognized that there are sound reasons for protecting privacy. The Commission has adopted these regulations so that members of the public will fully understand and be given the opportunity to exercise their right to inspect and copy commission records with the least possible delay and expense, and so that legitimate interests in confidentiality will be protected.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Sections 6250 and 6254, Government Code and Sections 25223 and 25321, Public Resources Code.

HISTORY: 1. New Article 2 (Sections 2501-2511) filed 6-26-79; effective thirtieth day thereafter (Register 79, No. 26).

#### **/2502. Scope.**

This Article applies to inspection and copying of all records. It applies to any person making any request to copy or inspect records. It applies to any request by any person for the Commission to keep a record confidential, including, but not limited to, requests pursuant to Section 25321 of the Public Resources Code.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code, and Section 6253(a), Government Code. Reference: Sections 25223 and 25321, Public Resources Code.

#### **/2503. Construction and Definitions.**

(a) This Article implements the California Public Records Act (Section 6250 et seq. of the Government Code) and shall be construed in a manner consistent with that Act.

(b) For purposes of this Article the definitions in the California Public Records Act, the definitions in Section 1302 of Article 1 of Chapter 3, and the following definitions shall apply:

(1) Private third party means any person other than a federal, state, regional, or local governmental body or a person under contract to such a governmental body.

(2) Confidential record means a record which has been determined to be confidential pursuant to Section 2505 or 2506.

(3) Applicant means a private third party requesting the Commission to keep a record confidential pursuant to Section 2505.

(4) Application means a request, pursuant to Section 2505, that the Commission keep a record confidential.

(5) Petitioner means a person requesting to inspect or copy a confidential record pursuant to Section 2506.

(6) Petition means a request, pursuant to Section 2506, to inspect or copy a confidential record.

(7) Fuel Price means, for a specific fuel type, fuel cost divided by fuel use expressed in dollars.

(8) Masked means, with regard to data, that ~~generally accepted and documented statistical methods have been applied to the data to limit the risk disclosure of identity of, or information about, individual survey responses~~ that data has been blanked out, blocked out, or blackened so that the data is unrecognizable unreadable

(9) Large UDC means any UDC that has experienced a peak demand of 1000 megawatts or more in the each of the two calendar years preceding the applicable filing date.

(10) Small UDC means any UDC that is not a Large UDC.

(11) Large LDC means any LDC that has delivered 100 billion cubic feet of natural gas per year in each of the two calendar years preceding the applicable filing date.

(12) Small LDC means any LDC that is not a Large LDC.

(13) Survey Response means the answers to survey questions provided by individual persons or companies.

(14) Aggregated means, with regard to data, that generally-accepted and documented statistical methods have been applied to the data to limit the risk of disclosure of the identity of, or information about, individual customers or survey respondents.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code and Sections 6250 et seq., Government Code.

HISTORY: 1. Amendment of subsections (a) and (b), repealer of subsections (b)(1) and (b)(2), subsection renumbering, and amendment of newly designated subsection (b)(2) and Note filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

#### **/2504. Inspection and Copying.**

(a) This section applies to all records, except records deemed confidential, which are subject to the provisions of Section 2506.

(b) A request to inspect or copy a record shall be made orally or in writing to the Office of Chief Counsel. The Public Adviser will assist persons in requesting records. A request shall describe the record sought in sufficient detail so that it can be identified and found by a Commission employee.

(c) Time and Place. A request to inspect or copy a readily identifiable and available record shall be satisfied within ten days of receipt of the request unless the need to complete processing or filing of the record, the use of the record by another person or a Commission employee, the volume of requests, the unavailability of Commission employees, or other unusual circumstances renders such a response impracticable, in which case the Commission will notify the person making the request of the need for an extension within ten days of the request. Such extension shall not exceed ten working days. All records except records determined to be confidential pursuant to Section 2505 or Section 2506 shall be made available for inspection and copying Monday through Friday, generally between 8 a.m. and 5 p.m. at the Commission's offices. The Executive Director shall make reasonable efforts to provide facilities for inspection of records, including a desk for notetaking.

(d) Protection of Records. Records may be inspected or copied only at Commission offices. The Executive Director may designate a particular place for the public to inspect or copy records. He or she may establish procedures for responding in a fair and orderly manner to numerous requests, including, when strictly necessary to prevent disruption of Commission functions, establishing a specific time each day for inspection and copying. He or she may require a Commission employee to be present at the time of inspection or copying, but such employee shall not disturb a person inspecting or copying records. Where

necessary, copies of records rather than originals may be provided for inspection.

(e) Computer Records. Inspection and copying of computer records and other records whose form makes inspection or copying difficult or impracticable shall be in a manner determined by the Executive Director. If providing an exact copy is impracticable, some type of copy shall nevertheless be provided.

(f) Copies. Except for records determined to be confidential pursuant to Section 2505 or Section 2506, copies and certified copies of all records are available to any person for a fee which shall be paid at the time a request is made. The fee for providing a copy or a certified copy shall be no higher than the actual cost of providing the copy, or the prescribed statutory fee, whichever is less.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code and Section 6253(a), 6256 and 6257, Government Code.

HISTORY: 1. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

## **/2505. Designation of Confidential Records.**

### **(a) Third Parties.**

(1) Any private third party giving custody or ownership of a record to the Commission shall indicate any desire that it be designated a confidential record and not publicly disclosed. Failure to so indicate at the time the record is submitted to the Commission is not a waiver of the right to request confidentiality later; however, if the Commission releases a record to a member of the public after it has been submitted but before a request for confidentiality has been received, the Commission cannot thereafter keep the record confidential. Although the record itself shall remain confidential during the application process, subject to the provisions of Section 2507(b), the application itself is a public document. An application for confidential designation shall:

(A) be on a sheet or sheets separate from but attached to the record;

(B) specifically indicate those parts of the record which should be kept confidential;

(C) state the length of time the record should be kept confidential, and provide justification for the length of time;

(D) cite and discuss the provisions of the Public Records Act or other law which allow the Commission to keep the record confidential. If the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of the advantage and how it would be lost, including the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others;

(E) state whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required. If the information cannot be disclosed even if aggregated with other information or masked, the application shall justify why it cannot;

(F) state whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances;

(G) contain the following certification executed by the person primarily responsible for preparing the application: I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. Where the applicant is a company firm, partnership, trust, corporation, or other business entity, or an organization or association, the certification shall also state that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association.

If the record contains information which the applicant has received from another party who has demanded or requested that the applicant maintain the confidentiality of the information, the applicant shall address the items in Section 2505(a)(1) to the greatest extent possible and shall explain the demand or request made by the original party and the reasons expressed by the original party. If the basis of an application for confidential designation is an order or decision of another agency that the information is entitled to confidential treatment under the Public Records Act or the Freedom of Information Act, the application shall include only a copy of the decision or order and an explanation of its applicability to the information for which confidential treatment is sought, and the Executive Director shall consult with that agency prior to issuing a determination.

(2) An improper or incomplete application shall be returned to the applicant with a statement of its defects. The record for which confidentiality was requested shall not be disclosed for fourteen days after return of the application to allow a new application to be submitted except as provided in Section 2507(b).



(3) Executive Director's Determination.

(A) The Executive Director shall, after consulting with the Chief Counsel, determine if an application for confidential designation should be granted. An application shall be granted unless the applicant has failed to make any reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential. The Executive Director or the General Counsel may, within fourteen days after receipt of an application, require the applicant to submit any information that is missing from the application. If the missing information is not submitted within fourteen days of receipt of the request by the Executive Director or General Counsel, the Executive Director he or she may deny the application. The Executive Director's determination shall be in writing and shall be issued no later than thirty days after receipt of a complete application.

(B) After a denial of an application, the information sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days, or, in the event that the applicant files an appeal with the Commission, within fourteen days of the Commission decision on the appeal, provided however, that any request to copy or inspect a document which is the subject of a pending application shall be subject to the provisions of Sections 2506 and 2507(b). An appeal shall be filed within fourteen days of the Executive Director's decision and the Commission shall issue a decision on the appeal within four weeks of the filing of the appeal.

(4) Repeated Applications for Confidential Designation. If an applicant's prior application for confidential designation of substantially similar information has been granted pursuant to Section 2505, an application for confidential designation need contain only a certification, pursuant to Section 2505(a)(1)(G), that the information submitted is substantially similar and that all facts and circumstances relevant to the granting or approval of the application are unchanged. Such an application shall be approved.

(5) Automatic Designation. Information submitted by a private third party shall be designated confidential without an application for confidentiality where the requirements enumerated in subsections (a)(5)(A) and (B) of this section are met. Failure to meet these requirements shall result in the Executive Director returning the submittal to the entity submitting it.

(A) The entity submitting the information shall label each individual item of the submittal that is entitled to be designated confidential.

(B) The entity submitting the information shall attest under penalty of perjury, that the information submitted has not been previously released and that it falls within one of the following categories:

1. Information that is derived from energy consumption metering, energy load metering research projects, or energy surveys conducted by mail, telephone or on-site inspection and that is one or more of the following;; ~~provided that automatic designation shall be limited to energy consumption information and customer identification information, including name, account number, address, city, county, zip code, or SIC code which, when taken together with other publicly available information, could allow a third party to determine the energy use related characteristics of an individual customer.~~

a. for the residential customer sector and the commercial customer sector — customer identifiers, energy consumption, and any other information that could allow a third party to uniquely identify an individual respondent;

b. industrial major customer sector — all information;

c. survey design information — all information used to design a survey, stratify billing records, devise a sample scheme, select a sample, sample specific end-users for participation in a survey or a pre-test of a questionnaire or interview form.

2. Energy sales data provided by utilities, natural gas retailers, or electric service providers, under Section 1306 or 1307 of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.

3. Average commodity energy price data provided by utilities, natural gas retailers, or electric service providers, under section 1306 or 1307 of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.

4. Fuel cost data provided for individual electric generators under Section 1304 of Article 1 of Chapter 3.

5. Fuel price for individual electric power plants or individual electric generators.

62. Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

73. Information provided by a system operator to the Commission under the provisions of Public Utilities Code section 398.3(b).

~~4. Information on fuel use and electricity generation provided to the Commission by non-utility electricity generators, under subsection 1304(b)(11)(A) of Title 20, California Code of Regulations, and information on fuel use and electricity generation of non-utility generators provided to the Commission under the provisions of subsection (b)(11)(B) and (C) and subsection (b)(2)(D), which, by itself or when taken together with other publicly available information, could~~

~~allow a third party to determine the fuel use or electricity generation characteristics of an individual non-utility generator.~~

(b) Other Public Entities. When another state or local agency possess information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the General Counsel may request and the agency may submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.

(c) Commission Documents Generated Information

(1) The Executive Director in consultation with the Chief Counsel, may designate information generated by Commission staff confidential under the Public Records Act. Such determination shall be summarized in the agenda for the next Business Meeting. Any private third party or other public entity may request to inspect or copy such records by filing a petition pursuant to section 2506.

(2) Contracts and Proposals

(A) Information received by the Commission in response to a solicitation shall be kept confidential by the Commission and its evaluators prior to the posting of the notice of the proposed award. The solicitation document shall specify what the proposal may contain in the way of confidential information and how confidential information will be handled after the posting of the notice of the proposed award.

(B) The Executive Director, in consultation with the Chief Counsel, may designate certain information submitted under a contract confidential in accordance with the Public Records Act or other provisions of law. Such a designation and its basis shall be in writing and contained in the contract governing the submittal of the information or in a separate statement. Any such contract or written statement shall also state exactly what information shall be designated confidential, how long it shall remain confidential, the procedures for handling the information, and all other matters pertinent to the confidential designation of the information.

(3) All data generated by the Commission that is the same type as the data described in Section 2505(a)(5)(B) shall be kept confidential by the Commission.

(d) All documents designated confidential pursuant to this section shall be treated as confidential by the Commission except as provided in Section 2507.

(e) Every three months the Executive Director shall prepare a list of data designated confidential pursuant to this section during the previous three months. The Executive Director shall give the list to each Commissioner. The list shall also be made available to members of the public upon request.

NOTE: Authority cited: Section 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25321, and 25364, Public Resources Code.

HISTORY: 1. Amendment filed 12-16-81; effective thirtieth day thereafter (Register 81, No. 51). 2. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

#### **/2506. Petition for Inspection or Copying of Confidential Records.**

(a) Form of Petition. A petition for inspection or copying of any confidential record shall be written, and shall be served on the Chief Counsel. It shall state the facts supporting a conclusion that the Commission should disclose the confidential record.

(b) Delegation of Commission Decision to the Chief Counsel.

(1) The decision of the Commission on a petition for inspection or copying of confidential records is delegated to the Chief Counsel.

(2) If the petition is for inspection or copying of a record received from a private third party, a person under contract to the Commission, or another government agency, the Chief Counsel shall, within one day of service of the petition, provide both a copy of the petition to the person or entity that submitted the information and a written request for written approval of release of the record. Any party not wishing to give permission for the record's release may supplement the initial application for confidential designation, if any, or provide any additional information within five working days of the receipt of the request for permission. Failure to respond to the Chief Counsel's request to release the record shall not be deemed consent for release.

(3) The Chief Counsel shall issue a decision on the petition within ten days of its service on the Chief Counsel, unless unusual circumstances renders such a decision impossible, in which case the Commission will notify the petitioner of the need for an extension within ten days of the filing of the petition. Such extension shall not exceed ten working days. Any party may request that the full Commission reconsider the Chief Counsel's decision. Any such request shall be filed within fourteen days of the issuance of the Chief Counsel's decision, and shall be decided by the Commission within four weeks of the filing of the request.

(4) A decision that a record should be disclosed shall ordinarily be effective fourteen days after issuance, although an earlier effective date may be specified in unusual circumstances, consistent with maintaining the opportunity of the person originally submitting the information to prevent its release by requesting reconsideration or appealing the decision to a court of competent jurisdiction. A decision that the record is exempt from disclosure shall be effective immediately.

(c) List of Records Determined to be Confidential. The Executive Director shall maintain a list of records the Commission orders held confidential pursuant to this section. Any petition for to inspect or copy such information shall be deemed denied unless the petitioner alleges changed circumstances which require a reversal of the Commission's previous order. A petition for such information shall be returned to the petitioner with a copy of the Commission's previous order, a copy of these regulations, and an explanation of the requirement to show changed circumstances. An amended petition may be submitted.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223 and 25321, Public Resources Code; and Sections 6250 et seq., Government Code.

HISTORY: 1. Repealer and new section filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

## **/2507. Disclosure of Confidential Records.**

(a) No confidential record shall be disclosed except as provided by this section or Section 2506, unless disclosure is ordered by a court of competent jurisdiction.

(b) No record which is the subject of a pending application shall be disclosed except as provided by this section or Section 2506 and any request to copy or inspect a document which is the subject of a pending application shall be subject to the requirements of Section 2506.

(c) The Executive Director may disclose records determined confidential pursuant to Section 2505 or Section 2506 to:

(1) Commission employees whose Commission work requires inspection of the records.

(2) Persons under contract to the Commission whose work for the Commission requires inspection of the records and who agree in a contract to keep the records confidential.

(3) Other governmental bodies, and state-created private entities such as the California Independent System Operator and the California Power Exchange, which have a need for the records related to their official functions and which agree to keep the records confidential and to disclose the records only to those employees whose agency work requires inspection of the records.

(4) Survey responses that are not masked or aggregated may be disclosed in a full and complete detail to the following entities:

(A) Demand side management program administrators, funded through the Energy Efficiency Public Goods Charge (EEPGC) established in Public Utilities Code Section 381(c), that have a need for survey responses related to their official functions and agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need that data for EEGPC program evaluation and planning.

(B) Utilities that opt into collaborative surveys funded by the Commission, or that contribute funds for the implementation of a survey coordinated by the Commission, may have access to the portion of survey responses of customers which are included within their franchise service area provided they agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need the data for distribution system planning.

(d) The Executive Director may release records designated confidential if the information has been masked or aggregated to the point necessary to protect confidentiality. Information described in paragraphs (1) — (4) of this subsection is deemed to have been masked or aggregated to the point necessary to protect confidentiality.

(1) Aggregations of energy use must consist of data from three or more customers and no customer may constitute more than 60 percent of the aggregated total. For purposes of this section, customer means any residential customer or sole business entity that has an economic interest or financial responsibility for activities that take place at one or more premises within the geographic area that is the subject of said aggregation. (1) Data provided pursuant to Sections 1306(a)(1) or 1307(a)(1) of Article 1 of Chapter 3 may be disclosed at the following levels of aggregation or higher:

(A) For individual gas retailers or electric service providers, data aggregated at the statewide level by major customer sector;

(B) For the sum of all natural gas retailers or electric service providers, (1) data aggregated at the county level by residential and non-residential groups and

(2) data aggregated at the service area, planning area, or statewide levels by major customer sector;

(C) For small UDCs and small LDCs, data aggregated at the service area, planning area, or statewide level by customer sector;

(D) For large UDCs and large LDCs, (1) data aggregated at the county level by residential and non-residential groups and (2) data aggregated at the service area, planning area, or statewide level by customer sector;

(E) For the total sales of the sum of all electric retailers, or the total sales of the sum of all natural gas retailers, data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.

(F) For total consumption by end users (total sales by retailers plus energy generated or produced onsite) data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.

(2) Commodity energy price data provided pursuant to Sections 1306(a)(2) or 1307(a)(2) of Article 1 of Chapter 3 may be disclosed by major customer sector at the following levels of aggregation or higher:

(A) the sum of all non-utility retailers;

(B) the sum of utility retailers; and

(C) the sum of all retailers.

(3) Electric generator fuel cost data provided pursuant to Section 1304(a)(2)(C) and electric generator fuel price data computed from fuel cost and fuel use data reported pursuant to Section 1304(a)(2)(C), may be disclosed if aggregated by fuel type and gas service area or higher, if the disclosure is six months or the end of the month for which prices were reported.

~~Aggregation of specific responses to questions in energy surveys must consist of three or more responses, although specific responses of residential customers to energy surveys may be released if the submitted information does not reveal the customer's name, address, and/or account number.~~

(4) Data collected in association with customer surveys that are begun after the effective date of this subsection (4) may be disclosed in the following manner:

(A) Residential customer sector and commercial customer sector survey responses from individual persons or companies may be released after name, address, and other respondent identifiers have been removed, and usage data and responses to specific survey questions that could allow a third party to uniquely identify an individual respondent have been masked;

(B) Industrial major customer sector responses from individual companies may not be released. Tabulations of industrial major customer sector survey data may be released only after the data has been aggregated to ensure that information about individual respondents will not be disclosed.

~~(53) If the Executive Director determines that application of the provisions of Section 2507(d)(1), (2), (3) and (42) are insufficient to protect confidentiality, he or she may not release the records until protection of confidentiality is ensured by further aggregation.~~

(e) The Executive Director may release records previously designated confidential in either of the following circumstances:

(1) upon receipt of written permission for such release from all entities who have the right to maintain the information confidential; or

(2) under any other circumstances in which the information is no longer entitled to confidential treatment. In the latter case, the Executive Director shall provide notice to the person who originally submitted the information of his or her intent to release the information. An appeal may be filed with the Commission within fourteen days of the notice and the Commission shall issue a decision on such an appeal within four weeks of its filing.

(f) ~~In addition to the records described in subsection (d), the~~ The Executive Director shall consult with the private third party to whom the confidential designation belongs about the disclosure to persons in under subsections (c) and (d) of this section of records determined confidential pursuant to Section 2505 or Section 2506.

NOTE: Authority cited: Section 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code.

HISTORY: 1. New subsection (e) filed 12-16-81; effective thirtieth day thereafter (Register 81, No. 51). 2. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

## **/2508. Pending Requests for Confidentiality.**



NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Sections 25223 and 25231, Public Resources Code.

HISTORY: Repealer filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

#### **/2509. Security of Confidential Records.**

The Executive Director is responsible for maintaining the security of confidential records and records determined by the Commission to be unavailable pursuant to Sections 2505 and 2506.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code.

HISTORY: 1. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).

#### **/2510. Delegation of Authority and Responsibilities.**

The Executive Director may delegate any of his or her authorities or responsibilities under this Article to any Division Chief.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code.

#### **/2511. Information Practices Act.**

NOTE: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25223, Public Resources Code and Section 1798.70, Civil Code.

HISTORY: 1. Repealer of subsection (b) and relettering of subsection (c) to subsection (b) filed 12-16-81; effective thirtieth day thereafter (Register 81, No. 51). 2. Repealer filed 7-6-98; operative 8-5-98 (Register 98, No. 28).